**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.26833 OF 2006**

**ORAL ORDER:**

The petitioner seeks a *mandamus* directing the respondent-South Central Railway, to refund the amount allegedly paid by him towards the difference of amount between the train load rate and wagon load rate. Such money claim arising out of a commercial transaction cannot be adjudicated in a writ petition under Article 226 of the Constitution of India.

That apart, as rightly submitted by the learned counsel for the respondent, alternative remedies of settlement of dispute by arbitration or institution of a Claim Petition before the Tribunal constituted under the Railway Claims Tribunal Act, 1987, are available to the petitioner.

Accordingly, granting leave and liberty, the writ petition is dismissed. No costs.

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**(G. ROHINI).**

27th December, 2006.
Kgr

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.26833 OF 2006**

27th December, 2006.

Between:

Sri Krishna Canvassing Agent,
Panikoill, Jajpur, Orissa, represented by its
partner – A. Surreddy. .. Petitioner.

And

The South Central Railway, represented by
Chief Commercial Manager, General Manager's
Office, Commercial Branch, Secunderabad. .. Respondent.